

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN MACMASTER,

Case No. 2:21-cv-11052

Plaintiff,

HONORABLE STEPHEN J. MURPHY, III

v.

DAVID BUSACCA, et al.,

Defendants.

/

ORDER STRIKING AMENDED COMPLAINT [38]

Plaintiff sued several Defendants in May 2021. ECF 1. Defendant Kolodziej was the first Defendant to file a responsive pleading; he moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b). ECF 16. Nearly two months later, Plaintiff filed an amended complaint. ECF 38.

Civil Rule 15(a)(1) allows a plaintiff to amend a complaint as a matter of right within twenty-one days after serving it or twenty-one days after a defendant serves a Rule 12(b) motion. The twenty-one-day clock begins after the first responsive pleading or motion is served. *Evans v. City of Ann Arbor*, No. 21-10575, 2021 WL 2949502, at *2–3 (E.D. Mich. July 14, 2021). Because Defendant Kolodziej served the first responsive motion more than twenty-one days ago, ECF 16, the time for Plaintiff to amend his complaint as a matter of right already expired under Rule 15(a). The Court will therefore order the clerk of the Court to strike the amended complaint, ECF 38, from the docket.

WHEREFORE, it is hereby **ORDERED** that the Clerk of the Court must
STRIKE the amended complaint [38] from the docket.

SO ORDERED.

s/ Stephen J. Murphy, III

STEPHEN J. MURPHY, III

United States District Judge

Dated: September 1, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 1, 2021, by electronic and/or ordinary mail.

s/ David P. Parker

Case Manager